

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-cr-20106

v.

HON. GEORGE CARAM STEEH

ARTHUR BERRY, JR. (D-7),

Defendant.

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**ORDER STRIKING DEFENDANT'S PRO SE  
MOTION TO DISMISS INDICTMENT [ECF Nos. 759, 761]**

On March 18, 2020, defendant Arthur Berry, Jr. filed a pro se motion in which he asks the Court to dismiss the indictment for violation of his speedy trial rights (ECF No. 759). The government filed a motion to strike defendant's pro se motion to dismiss (ECF No. 761).

Since defendant was and is represented by counsel, filing a pro se submission demonstrates his attempt to proceed in a "hybrid" fashion. See *McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984). Although the Sixth Amendment guarantees defendants the right to conduct their own defense by representing themselves, see *Faretta v. California*, 422 U.S. 806 (1975), the right of self-representation does not include the right to proceed in a hybrid manner, see *McKaskle*, 465 U.S. at 183 ("*Faretta* does not require a

trial judge to permit ‘hybrid’ representation . . . .”); *see also United States v. Mosely*, 810 F.2d 93, 97-98 (6th Cir. 1987) (“[T]he question whether to allow a defendant to participate in his own defense along with counsel in ‘hybrid representation’ is a matter committed to the sound discretion of the trial court.”).

The Court, in the exercise of its discretion, will not permit defendant to proceed in a hybrid manner. Therefore, the Court hereby grants the government’s motion and strikes defendant’s motion to dismiss. Any relief sought by defendant must be sought through counsel.

So ordered.

Dated: September 14, 2020

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 14, 2020, by electronic and/or ordinary mail and also on Arthur Berry, Jr, Midland County Jail, 101 Fast Ice Drive, Midland, MI 48642.

s/Brianna Sauve  
Deputy Clerk